

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2014 NOV -7 PM 3:17

HEIWA SALOVITZ,
PLAINTIFF,

V.

UBER TECHNOLOGIES, INC.,
DEFENDANT.

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CAUSE NO. A-14-CV-823-LY

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY

ORDER ON REPORT AND RECOMMENDATION

Before the court are Plaintiff's Motion for Remand filed September 11, 2014 (Doc. #6); Defendant Uber Technologies, Inc.'s Response to Plaintiff's Motion for Remand filed September 18, 2014 (Doc. #7); and Plaintiff's Reply to Defendant's Response to Plaintiff's Motion for Remand filed September 25, 2014 (Doc. #13). The motion, response, and reply were referred to the United States Magistrate Judge for Report and Recommendation as to the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The magistrate judge filed his Report and Recommendation on October 16, 2014 (Doc. #15), recommending that this court grant Plaintiff's motion and remand the case to the 53rd Judicial District Court of Travis County, Texas.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal

the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties in this cause were properly notified of the consequences of a failure to file objections. Objections to the Report and Recommendation were due October 30, 2014. No party has filed objections to the findings of fact and conclusions of law in the report and recommendation. The court, having reviewed the entire record and finding no plain error, accepts the report and recommendation filed in this cause for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. #15) filed in this cause is hereby **APPROVED** and **ACCEPTED** as set forth herein.

IT IS FURTHER ORDERED that Plaintiff's Motion for Remand filed September 11, 2014 (Doc. #6) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **REMANDED** to the 53rd Judicial District Court of Travis County, Texas.

SIGNED this 7th day of November, 2014.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE